

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION
No. 2:06-CV-49-F

BLACKWATER SECURITY)
CONSULTING, LLC and)
BLACKWATER LODGE AND)
TRAINING CENTER, INC.,)

Petitioners,)

vs.)

NOTICE OF APPEARANCE

RICHARD P. NORDAN, as Ancillary)
Administrator for the Separate Estates of)
STEPHEN S. HELVENSTON, MIKE R.)
TEAGUE, JERKO GERALD ZOVKO,)
and WESLEY J.K. BATALONA,)

Respondent.)

PLEASE TAKE NOTICE that David S. Coats and J.T. Crook of the law firm of Bailey & Dixon, L.L.P., appear as counsel for Richard P. Nordan, Individually, who is not a party to this Petition, for the limited purpose of filing a Motion with this Court, pursuant to Fed. R. Civ. P., Rules 60(b)(3), (4) and (6) and 59(e), to obtain appropriate relief from this Court's Order of April 20, 2007 (hereinafter "the Order"). As grounds and by way of explanation for this limited Notice of Appearance, Richard P. Nordan, shows the Court that:

1. Richard P. Nordan, individually, was not served with an appropriate summons, in the manner provided by Fed. R. Civ. P., Rule 4.

2. Prior to April 12, 2007, Richard P. Nordan, Individually, was informed by and through counsel for the Estates at issue, and personally believed based upon the filings of Petitioners in this action, that the Petition filed in this Court was an attempt to direct arbitration of claims pertaining to Petitioners and the Estates for which he serves as Ancillary Administrator.

3. Counsel for the Respondent, Richard P. Nordan, Ancillary Administrator for the Separate Estates of Stephen S. Helvenston, et al., namely William B. Bystrynski and David Kirby of Kirby & Holt, L.L.P., and Marc P. Miles, Daniel J. Callahan, and Brian J. McCormack, of Callahan & Blaine, APLC, do not represent Richard P. Nordan, individually.

4. On April 12, 2007, Richard P. Nordan first learned, despite Blackwater's arguments to the contrary in their filings in this Court, that Petitioners' were seeking to arbitrate claims against him individually, with a possible reward coming directly from his personal assets, and for which he would be individually responsible, when he was informed by counsel for the Estates that Petitioners had served a document entitled "Memorandum of Law in Opposition to Issuance of TRO" (hereinafter "TRO Memorandum") in the state court action on April 12, 2007.

5. Further, in a hearing on April 13, 2007, before Judge Stephens on a motion filed by attorneys for Richard P. Nordan, Ancillary Administrator for the Separate Estates of Stephen S. Helvenston, et al., (hereinafter "Motion Hearing") counsel for Petitioners stated that they were seeking to arbitrate not only the claims brought against them in Wake County Superior Court, but also whatever claims they may have against Richard P. Nordan personally in his individual capacity.

6. We request to be heard on behalf of Richard P. Nordan, Individually, apart from the representation by Callahan & Blaine, APLC, and Kirby & Holt, LLP, of the Respondent for the limited purpose of making a Motion for Relief from Judgment, or in the alternative, a request that this Court clarify whether it has subject matter jurisdiction over Petitioners' asserted causes of action against Richard P. Nordan Individually, and whether the Order issued by this Court similarly compels into arbitration Petitioners' causes of action against Richard P. Nordan, Individually.

This the 4th day of May, 2007.

BAILEY & DIXON, L.L.P.

By: /s/ David S. Coats

David S. Coats, N.C. Bar # 16162

By: /s/ J.T. Crook

J.T. Crook, N.C. Bar # 35252

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CERTIFICATE OF SERVICE

I hereby certify that on May 4, 2007, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system. Notification of such filing was given, as indicated below, by the CM/ECF system to those registered, or by mailing a copy of the same by U.S. Mail, postage paid, to parties who are not registered to receive a Notice of Electronic Filing for this case:

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This the 4th day of May, 2007

/s/ David S. Coats
David S. Coats